

Appl. No.: 10/037,987
Art Unit: 1712 Docket No.: B01-30
Reply to Final Office Action of November 8, 2004

REMARKS

Claims 1, 10-11, 13, and 16-34 appear in this application for the Examiner's review and consideration.

Claim 10 has been cancelled.

Claim 1 has been amended to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. In particular, claim 1 has been amended to recite specific preferred matrix materials and intermediate layer materials using the language 'selected from the group consisting of'.

No new matter has been added by these amendments.

Rejections Over 35 U.S.C. § 112, Second Paragraph

Claims 1, 10, 11, 13, and 16-34 were rejected under 35 U.S.C. § 112, second paragraph.

Claim 1 requires a base rubber, nano-ZnO, and at least one matrix material. To help clarify the difference between the base rubber and matrix materials, claim 10 has been cancelled and the subject matter added to claim 1 – thermoset materials, rubbers, and polybutadienes have been removed from the preferred list of matrix materials.

The rejection under 35 U.S.C. § 112, second paragraph is believed to have been overcome and Applicants respectfully request reconsideration and withdrawal thereof.

Rejections Over Japanese Patent No. 11-244419 to Takashi

Claims 1, 10, 13, 16-20, and 28-34 were rejected under 35 U.S.C. § 102(b) or, in the alternative, under § 103(a) as obvious over Japanese Patent No. 11-244419 to Takashi. Additionally, claims 21-27 were rejected under § 103(a) as obvious over Takashi.

Takashi is generally directed to a golf ball having a rubber-based innermost core layer, optional rubber-based intermediate layers, and at least one cover layer.

Takashi does not disclose, or otherwise teach or suggest, all claim elements presently recited in claim 1 of the present invention. At the least, Takashi fails to disclose a core having a diameter of 1.55-1.62 inches, a core that includes the preferred matrix materials (listed in Markush form in Applicants' claim 1), or an intermediate layer formed from specific materials (also listed in Markush form in Applicants' claim 1). Takashi's "innermost core layer," equivalent to Applicants' core, has a diameter of 16-36 mm (0.6-1.4 inches). The only way Takashi can get a diameter to be as large as Applicants' core is by the addition of at least one rubber-based intermediate layer.

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Even assuming *arguendo* that Takashi's multi-layer structure (innermost core + medium core + outermost layer) is equivalent to Applicants' core, none of the layers contains the recited matrix materials. The multi-layer cover structure of Takashi fails for the same reasoning.

For at least the above reasons, independent claim 1 is believed to be in condition for allowance. Claims 12, 16-20, and 28-34 are believed to be patentable at least by virtue of their dependence from the independent claim. As such, Applicants respectfully request that the rejections under 35 U.S.C. § 102(b) and § 103(a) be reconsidered and withdrawn.

Rejection Over Takashi in view of International Publication No. WO 01/43832

Claims 1, 10, 13, 16-21, and 28-34 were rejected under 35 U.S.C. § 103(a) as being obvious over Takashi in view of International Publication No. WO 01/43832 to Wu.

Takashi does not disclose or suggest all claim elements of Applicants' claim 1, as set forth above. Wu, and its combination with Takashi, fails to cure the deficiencies of Takashi, as Wu is entirely silent at least on the use of nano-ZnO and a specific matrix material in a rubber-based golf ball core having a diameter of 1.55-1.62 inches, in combination with a thin, non-rubber intermediate layer.

For at least the above reasons, independent claim 1 is now believed to be in condition for allowance. Claims 10, 12, 16-21, and 28-34 are believed to be patentable at least by virtue of their dependence from the independent claim. As such, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

CONCLUSION


Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

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A fee of \$120.00 is believed to be due for this submission to extend the time for which this response is due by one (1) month, from February 8, 2005 to March 8, 2005. Should any other required fees be due, however, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

Date: March 8, 2005



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